

City of Billings Zoning Commission Meeting Minutes- September 3, 2013

The City of Billings Zoning Commission met on Tuesday, September 3, 2013 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Chairman Leonard Daily called the meeting to order at 4:30 p.m. The City Council has designated **Monday, September 23, 2013**, at 6:30 p.m. in the City Council Chambers as the time and place to hear testimony for or against the zoning applications.

Commission and Staff		01/02/2013	02/05/2013	03/05/2013	04/02/2013	05/07/2013	06/04/2013	07/02/2013	08/06/2013	09/04/2013	10/01/2013	11/06/2013	12/03/2013
Leonard Dailey, Jr.	Chairman	1	1	1	-	1	E	1	1	1			
Barbara Hawkins	Commissioner	E	1	1	-	1	1	1	E	1			
Dan Wagner	Vice Chairman	1	1	E	-	1	1	1	1	1			
Bill Ryan	Commissioner	1	E	E	-	1	E	E	1	E			
Mike Boyett	Commissioner	1	1	1	-	1	1	1	1	1			
Candi Beaudry	Director, Planning & Community Services	-	-	-	-	-	-	-	-	-			
Nicole Cromwell	Planner II, Zoning Coordinator	1	1	1	-	1	1	1	1	1			
Tammy Deines	Planning Clerk	1	1	1	-	1	1	-	-	1			
Wyeth Friday	Planning Division Manager	-	-	-	-	-	-	-	-	-			
Juliet Spalding	Planner II	-	-	-	-	-	-	-	-	-			
Lora Mattox	Planner II	-	-	-	-	-	-	-	-	-			
Karen Miller	Planning Assistant	-	-	-	-	-	-	1	1	-			

Total Number of 2013 Applications	01/02/2013	02/05/2013	03/05/2013	04/02/2013	05/07/2013	06/04/2013	07/02/2013	08/06/2013	09/04/2013	10/01/2013	11/06/2013	12/03/2013	TOTAL
Zone Change	0	1	1	-	1	3	2	1					8
Special Review	1	0	0	-	3	1	2	2	1				8

Chairman Dailey introduced the Planning Department Staff and Commission: Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk.

Public Comment

Chairman Dailey called for public comments. There were no public comments. Chairman Dailey closed the public comment portion of the meeting.

Approval of Minutes: August 6, 2013

Chairman Dailey stated the approval of the August 6, 2013 meeting minutes will be delayed until the October 1, 2013 meeting.

Disclosure of Conflict of Interest

Chairman Dailey called for disclosures of conflict of interest. There was none.

Disclosure of Outside Communication

Chairman Dailey called for disclosure of ex parte communication.

Public Hearings:

Chairman Dailey reviewed the rules and the procedures by which the City Zoning Commission public hearings are conducted and asked Ms. Cromwell to open the next agenda item.

Ms. Cromwell read aloud the legal notice and gave a short presentation of the staff report.

Item #1: Special Review #911 – 25 Hilltop Road – Trinity Church of the Nazarene - A special review request to allow the addition of 1,500 square feet to an existing 2,880 square foot church and provide areas for future building and parking lot expansions in an R-96 zone on Lot 28, Block 2, Howard Heights Subdivision, a 3.5 acre parcel of land. Tax ID: A20680, Trinity Church of the Nazarene, J.D. Shanahan, and Durward Sobek, agents.

REQUEST

This is a request for a special review to allow the expansion of an existing church, Trinity Church of the Nazarene, at 25 Hilltop Road. The initial expansion proposes a new entryway and offices of 1,500 square feet to the existing 2,880 square feet. The site plan also shows area for future building expansion and parking lots. The property is located in a Residential 9,600 (R-96) zoning district on

Lot 28, Block 2, Howard Heights Subdivision, a 3.5 acre parcel of land. The property is owned by the Trinity Church of the Nazarene and J.D. Shanahan and Durward Sobek are the agents.

RECOMMENDATION

The Planning Division is recommending conditional approval.

PROPOSED CONDITIONS

1. The special review approval shall be limited to Lot 28, Block 2 Howard Heights Subdivision generally located at 25 Hilltop Road.
2. The special review approval is for the construction of an addition to an existing church. The addition to be constructed now is 1,500 square feet with 2 future building additions and future parking lots as shown on the submitted site plan. No other use is intended or implied by this approval.
3. Any expansion of the proposed building or off-street parking greater than 10 percent of what is shown on the submitted site plan, including the current a future expansion, will require an additional special review approval.
4. All exterior lighting shall have full cut-off shields so no part of the fixture or lens projects below the cut-off shield. The maximum height of any light pole in the future parking lot or any new light pole will be 15 feet or less above grade.
5. No outdoor announcement system is allowed on a permanent or temporary basis.
6. No construction or demolition activity will occur before 7 am or after 8 pm daily.
7. Any new sign will require sign permit approval from the Planning Division.
8. The site will be developed in substantial conformance with the submitted site plan including landscaping, parking and building location.
9. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
10. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings regulations and ordinances that apply.

Discussion

Chairman Dailey called for questions and discussion from the members of the Commission. He asked if the conditions are different since this is a church. Nicole Cromwell explained these conditions are applied to avoid confusion following approval and take into consideration the proximity to residential development. In response to Leonard Daily, Nicole Cromwell commented on the 2013 traffic counts for Hilltop Road. Leonard Dailey commented on Criterion #3 and pointed out this is a large lot and the applicant may wish to do more in the future. Nicole Cromwell concurred and noted the posted proposed site plan, including future expansion areas. She said the approval includes what is depicted on the proposed site plan. In response to Mike Boyett, Nicole Cromwell stated there is no time limit for construction. Leonard Daley asked about access points; Nicole Cromwell stated Engineering had no concerns at this time. She continued and noted the formerly vacated Sapphire Drive and the emergency access point.

Applicant: J.D. Shanahan, 814 Grand Avenue, Billings, Montana

Mr. Shanahan stated two small Nazarene churches have been merged and they have decided this is the better site for expansion. The primary reason for expansion is to provide handicapped accessible restrooms and a chairlift to the stairwell. The church has been on the site since 1976 and they are hoping to see congregational growth. Mr. Shanahan stated they are hoping to think long term and impacting the community in a positive way.

Discussion

Dan Wagner asked when construction will begin. Mr. Shanahan stated they wish to begin the foyer in October. He said they have about 75 members and the sanctuary can seat 125 persons. The foyer and office area will give more convenient places before and after services and provide handicap accessibility. He explained the church located on Alderson and Grand Avenue will be sold.

Durward Sobek, 2814 4th Avenue North, Billings

Mr. Sobek is the agent for the applicant. He referred to the posted floor plan and provided clarification on the Foyer Addition to the New Hope Church of the Nazarene. He said the addition is approximately 1,500 square feet. He said the neighbors have indicated they are excited with the potential upgrades.

Public Hearing

At 4:45 Chairman Dailey opened the public hearing and called for proponents or opponents of City Special Review #911. There was none. Chairman Dailey closed the public hearing at 4:46 p.m.

Motion

Barbara Hawkins made a motion and it was seconded by Mike Boyett to forward a recommendation to City Council of conditional approval of City Special Review #911 with the conditions recommended by staff and adopt the findings of the criteria.

The motion carried with a unanimous voice vote, 3-0.

Item #2: Zone Change #916 –3203 Henesta Drive – Planned Development Amendment - A zone change request to amend the Planned Development for Harvest Subdivision from Planned Development - Neighborhood Commercial (PD-NC) to PD-NC with an allowance for 1 beer and wine license with gaming to allow a casino in an existing structure on Lot 6, Block 34, Harvest Subdivision 4th Filing, a 16,231 square foot parcel of land. A pre-application neighborhood meeting was conducted on July 25, 2013, at the Johnny Carino's Restaurant at 3042 King Avenue West. Tax ID: C09825, Century Warehousing, Inc, owner and Travis Woltermann, agent. Council Ward: V

Nicole Cromwell stated the applicants have asked to withdraw their request.

Takara, LLC

Date: 8/26/2013

Nicole Cromwell, AICP
Zoning Coordinator
Code Enforcement Supervisor

Nicole,

On behalf of Takara, LLC I am requesting to withdraw the Zone Change application for 3203 Henesta Drive, Billings, Mt. We appreciate your help and look forward to working with you again soon.


Cindy Brodock

Motion

Dan Wagner made a motion and it was seconded by member Mike Boyett to accept the applicant's request for withdrawal of City Zone Change #916.

The motion carried with a unanimous voice vote, 3-0.

Other Business

A. The next City Zoning Commission meeting will be held on Tuesday, October 1, 2013.
Mike Boyett will not attending.

The meeting was adjourned at 5:03 p.m.

ATTEST: APPROVED BY A MOTION ON OCTOBER 2, 2013

Leonard Dailey, Chairman

Tamara L. Deines, Planning Clerk